

ORDINANCE NO. 13

COMMISSIONERS BILL NO. 7

As Amended

(2014)

"An ordinance amending Jackson County Code §153."

**NOW, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF JACKSON, INDIANA:**

Jackson County Code §153, Zoning Code of the County of Jackson, Indiana shall be amended as follows:

Section 1: The following definitions shall be added to §153.02:

BIOFILTER. A ventilation filtration system using a biodegradable media that filters exhaust air with a reduction in particulate matter and a reduction in odorous gases.

EDUCATIONAL INSTITUTION. A building in which an organized course of study or training is offered to students enrolled in kindergarten through grade 12 and served by local school districts, accredited or approved nonpublic schools, area educational agencies, community colleges, land grant institutions of higher education, and accredited independent colleges and universities. It is important to note that home schools do not fall within this definition.

PRIVATE USE AREA AVAILABLE TO THE PUBLIC. A portion of land privately owned with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, private camps, golf courses and playground equipment.

PUBLIC USE AREA. A portion of land owned by the United States, the state or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, campgrounds, lodges, shelter houses, playground equipment, lakes, parking areas, recreational trails and swimming beaches. It does not include a highway, road right-of-way or other areas where the public passes through, but does not congregate or remain in the area for significant periods of time.

RELIGIOUS INSTITUTION. A building in which an active and recognized congregation is devoted to worship not less than monthly.

Section 2: 153.05(E). Minimum Lot Size: Specific Requirements.

The Minimum Lot Area for Farm, Confinement Feeding shall be twenty (20) acres. All other parts of said subsection shall remain in full force.

Section 3: 153.05(I)(1). Setbacks: Specific Requirements.

The setback prescribed for Farm, Confinement Feeding shall be the following:

Front: 200 feet
Side: 200 feet
Rear: 200 feet

All other parts of said subsection shall remain in full force.

Section 4: 153.05(I)(3). Farm, Confinement Feeding structures shall be required to comply with the following additional setbacks:

Public Water Supply (well or intake): 1,500 feet
Well, other than to service the Confinement Feeding: 300 feet

Section 5: 153.05(J). Buffering: Minimum Distances from Residential District or Use.

1. (1) A mineral extraction area, borrow pit, or topsoil removal area (including storage area), penal or correctional institution, public or commercial sewage disposal plant, sales barn for livestock resale, slaughterhouse, truck freight terminal, or wholesale produce terminal may not be located closer to an R1, R2, R3 or LR District than 300 feet. A junk yard may not be located closer to such a district than 1320 feet. A sawmill shall be located no closer than 600 feet to any existing residence other than the owner or owners of the sawmill.

2. 153.05(J)(1)(a) shall be inserted as follows:

A "farm, confinement feeding" may not be located closer than 500 feet to an existing residence or platted lot, other than the owner(s) of the "farm, confinement feeding," as measured from nearest point of structure to nearest point of structure. An outbuilding not attached as a permanent improvement to a residence is not considered the structure for measurement. Additionally, residences owned, but not occupied, by the owner(s) of the "farm, confinement feeding" may be exempted by the written consent of the tenant. After construction of any "farm, confinement feeding," any lease of residence shall include a clause notifying the tenant of such "farm, confinement feeding" and the odors and particulates associated therewith.

A "farm, confinement feeding" may not be located closer than 1,000 feet to a public use area, private use area available to the public, educational institution or religious institution as measured from nearest point of structure to nearest point of structure.

A "farm, confinement feeding" may not be located closer than one-half mile from an R1, R2, R3 or LR District as measured from nearest point of zoning district line.

All other parts of said subsection shall remain in full force.

Section 6: 153.05(L) Buffering; screen planting.

1. (1) *Buffering; screen planting abutting residential use.* Tight screen planting of the dimensions given five years after installation, effective at all time to block the view from abutting existing residential uses as defines in §153.04(A) above, shall be

provided for the following uses in accordance with the following table:

<i>Use</i>	<i>Screen</i>
Airport or heliport	6 feet high; 3 feet wide
Artificial lake of 3 or more acres	6 feet high; 3 feet wide
Cemetery or crematory	6 feet high; 3 feet wide
Clinic	6 feet high; 3 feet wide
Commercial facility for raising and breeding non-farm fowl and animals	6 feet high; 3 feet wide
Country club or golf course	6 feet high; 3 feet wide
General industry	6 feet high; 3 feet wide
Hospital	6 feet high; 3 feet wide
Industrial park	15 feet high
Kindergarten or day nursery	6 feet high; 3 feet wide
Light industry	6 feet high; 3 feet wide
Mineral extraction, borrow pit, topsoil removal and their storage areas	6 feet high; 3 feet wide
Mobile home park or travel trailer park	6 feet high; 3 feet wide
Outdoor commercial recreational enterprise	8 feet high, 3 feet wide
Police station or fire station	6 feet high; 3 feet wide
Private recreational development	8 feet high, 3 feet wide
Public camp	8 feet high, 3 feet wide
Public or commercial sanitary fill or refuse dump or garbage disposal plant (also along abutting street)	
Public or commercial sewage disposal plant	6 feet high; 3 feet wide
Riding stable	6 feet high; 3 feet wide
Shopping center	6 feet high; 3 feet wide
Slaughterhouse (along abutting street)	6 feet high; 3 feet wide
Stadium or coliseum	6 feet high; 3 feet wide
Telephone exchange or public utility substation (along abutting street)	Adequate for purpose
Truck freight terminal	6 feet high; 3 feet wide
Warehouse (grain elevator)	6 feet high; 3 feet wide
Wholesale produce terminal	6 feet high; 3 feet wide

2. (2) *Buffering; screen planting for "farm, confinement feeding."* Screen planting and shelterbelt of trees, shrubs and earthen berm must reach a minimum cumulative height of approximately six (6) feet within five (5) years of startup of operation of a

“farm, confinement feeding.” Planting must be complete at startup of operation. A minimum of one row of deciduous trees and one row of evergreen trees is required. Plantings shall be site specific vegetation that is appropriate for soil type. Distance from any structure shall be adequate to allow ingress and egress, and to most effectively control particulate matter and odor.

Section 7: 153.05(GG). Buffering: Minimum Distance from corporate limits or unincorporated city or town.

A “farm, confinement feeding” may not be located closer than one mile from the corporate limits of a city or town, or one-half mile from an unincorporated city or town, as shown on Exhibit A.

Section 8: 153.05(HH) Odor Control.

- (1) All new or expanded swine finisher CFO’s or CAFO’s shall include a vertical biofiltration system, or other technologies or designs as approved by the Plan Commission, which will protect or enhance the use or value of area properties to an equal or higher standard than a vertical biofiltration system otherwise required as part of a CFO’s or CAFO’s new or expanded housing practices.
- (2) Vertical biofiltration systems, or other technologies as approved above, shall be installed on all pit exhaust fans or any fan which moves air across liquid manure.

Section 9: 153.07(C). Site plan.

(1)(a) A person who applies for an improvement location permit under §153.07(A) above must furnish the Building Commissioner with a plan drawn to scale showing:

1. The location of the land concerned;
2. The location and size of all buildings or structures already on the land and those to be erected;
3. The size of all entrances to and exits from the land; and
4. All adjacent streets and highways.

(b) A person who applies for an improvement location permit under §153.07(A) above for a “farm, confined feeding” must furnish the Building Commissioner with the following:

1. Plan Profile Sheet of the proposed building drawn by a licensed architect or engineer;
2. The location of the land concerned;
3. The location and size of all buildings or structures already on the land and those to be erected;
4. Separation map showing distances from nearest residence, educational institution, religious institution, public use area, zoning lines and property lines, which map shall be prepared by a licensed surveyor;
5. Schematics of the proposed biofilter and location on the site;
6. Landscape design plan;
7. Grading plan with finish floor elevation;
8. The size of all entrances to and exits from the land; and
9. All adjacent streets and highways.

(c) Plans so furnished shall be kept by the Building Commissioner as permanent records.

- (2) For an airport, a heliport, an industrial park, a mobile home park or travel trailer park, a penal or correctional institution, a private recreational development, a public utility substation or exchange, or a shopping center, the plan furnished under division (C)(1) above must also include a plan of landscape development.
- (3) As a condition of issuing a permit, the Building Commissioner may require the relocation of any structure or of any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interests of the public welfare or to an appropriate balancing of the interests of persons in the district and vicinity concerned.

Section 10: 153.08(B). Board of Zoning Appeals; hearings.

- (1) Upon application for a special exception or variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing.
- (2) Public notice setting forth the time and place shall be given at least twenty (20) days before the date of the hearing in a newspaper of general circulation in the county.
- (3) Application for a special exception must be filed with the Building Commissioner at least thirty (30) days before the date of the hearing on the special exception.
- (4) Interested parties shall be notified as provided by the Board.
- (5) The cost of the notices shall be borne by the person applying or appealing.

Section 11: 153.08(F). Prerequisites to Filing Application.

- (A) All "farm, confined feeding" applications must have approval of the Indiana Department of Environmental Management prior to the filing of application with the Building Commissioner for approval of a special exception.
- (B) All "farm, confined feeding" applications proposed in a Special Flood Hazard Area must have approval of the Indiana Department of Natural Resources prior to the filing of application with the Building Commissioner for approval of a special exception.

Section 12: All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed.

Section 13: This ordinance shall be in full force and effect from and after its passage, all as by law provided.

ADOPTED by the Board of Commissioners, this 18 day of November, 2014.

Jerry Hounshel, President

Matt Reedy, Commissioner

Thomas Joray, Commissioner

ATTEST:

Kathy Hohensteiter
Kathy Hohensteiter, Auditor